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September 19, 2005
OUR 78th YEAR

Docket Clerk
Marketing Order Administration Branch
Fruit and Vegetable Programs
AMS, USDA
1400 Independence Avenue, SW
STOP 0237
Washington, DC 20250-0237
VIA E-MAIL: moab.docketclerk@usda .gov

RE: Docket No. FV03-925-1PR
Federal Register Vol.70, No. 100, Page 30001
Grapes Grown in a Designated Area of Southeastern California and Imported
Table Grapes; Proposed Change in Regulatory Period
COMMENTS IN OPPOSITION TO PROPOSED CHANGE

Dear Docket Clerk:

Western Industries – North, Inc. opposes the above referenced change in the dates that Table Grape Marketing Order 925 proposes, which will place restrictions on table grapes supplied from Chile.

Western Industries - North, Inc. provides fumigation services to the shippers/receivers of Chilean grapes to meet the entry requirements of the USDA, APHIS, Plant Protection and Quarantine (PPQ). We believe this proposed change will put undue trade restrictions on our clients. Likewise it will result in the necessity to raise our prices significantly to cover our overhead for the shortened period of service.

The Chilean Exporters Association should be complimented for commissioning the two comprehensive studies and bringing before the American Marketing Service (AMS), Marketing Order Administrative Branch significant and reliable data for your deliberation as you consider a final ruling on this matter.

We understand that it is very difficult to outline a typical season in agricultural production. The need to rely on solid statistical data reflecting the variations of harvesting dates, market access and overlapping or the absence of overlapping products is essential. In our review of the information concerning these conditions,



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it is our belief that the preponderance of the evidence favors the continuation of the effective date of April 20 for the Marketing Order 925. We also believe that the current effective date April 20, based on the available data, could actually be advanced to May 1 rather than retreated to April 1.

We strongly urge your Agency not to adopt the Proposed Rule, as there appears to be little evidence for the proposed change based on the meager and rather inadequate data submitted by the Dessert Grape League. As has been pointed out, the Coachella Valley growers have not seen a diminution in prices or market share over the last several years as they enter the market with their early production. The proposed rule could create an artificial shortage, which is not the goal of a marketing order, as we understand it.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Miriam Borja".

Miriam Borja
Western Industries - North, Inc.